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201.06(d)

TYPES, CROSS-NOTING, AND STATUS OF APPLICATION

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CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK ONE, if applicable:

☒ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	RR3341
	First Named Inventor	STEPHEN B. ELLIOT
	Examiner Name	JAMAL A. FOX
	Group Art Unit	2664
	Express Mail Label No.	ER770757480US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA) of prior application number 09 / 436,008
filed on 11/09/1999 entitled M/S FOR PROVIDING AN... COMMUNICATION NETWORKS.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

CONTINUATION-IN-PART NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(e).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
.....
 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☐ PTO-1449
 - ☐ Copies of IDS Citations

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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MANUAL OF PATENT EXAMINING PROCEDURE

PTO/SB/29 (10-00)
Approved for use through 10/31/2002, OMB 0861-0032
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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(a) or (b))		18 -20* =	0	x \$18.00 =	\$ 0.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (d))		3 -3** =	0	x \$6.00 =	0.00
MULTIPLE DEPENDENT CLAIMS (If applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	\$770.00
				Total of above Calculations =	\$770.00
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	
				* Release claims in excess of 20 and over original patent. ** Release independent claims over original patent.	
				TOTAL =	\$770.00

8. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
 9. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. _____:
 a. ☒ Fees required under 37 CFR 1.16.
 b. ☒ Fees required under 37 CFR 1.17.
 c. ☐ Fees required under 37 CFR 1.18.
 8. ☒ A check in the amount of \$770.00 is enclosed.
 9. ☐ Payment by credit card, Form PTO-2038 is attached.
 10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(f) is enclosed.
 11. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
 12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
 b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
 13. ☒ Other: Request for 1-month EOT

NOTE: The prior and last correspondence address will carry over to this CPA unless a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label 42640 or ☐ New correspondence address below
(Insert Customer No. or Attach bar code label here)

Name	DILLON&YUDELL LLP				
Address	8911 NORTH CAPITAL OF TEXAS HIGHWAY				
	SUITE 2110				
	AUSTIN, TEXAS				
City	AUSTIN	State	TEXAS	Zip Code	78759
Country	U S A	Telephone	512-343-6116	Fax	512-343-6446

15. SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED:

Name (Print Name)	ANDREW J DILLON
Signature	<i>[Signature]</i>
Registration No. (Attorney/Agent)	29,634
Date	MAY 17, 2004

(Page 2 of 2)

DILLON & YUDELL LLP
ATTORNEYS AT LAW

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USPTO FACSIMILE TRANSMITTAL SHEET

TO:	FROM:	
Examiner Jamal Fox	Andrew J. Dillon, Reg. No. 29,634	
ORGANIZATION:	DATE:	
US Patent and Trademark Office	January 27, 2005	
ART UNIT:	CONFIRMATION NO.:	TOTAL NO. OF PAGES INCLUDING COVER:
2664	6014	6
FAX NUMBER:	APPLICATION SERIAL NO.:	
703-872-9306	09/436,008	
ENCLOSED:	ATTORNEY DOCKET NO.:	
CPA	RR2341	

☒ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

EXPIDITED PROCEDURE

On January 26, 2005 we received a phone call from the Examiner stating that the CPA was never entered in the application referenced above. I spoke with Mr. Chen in Art Unit 2600 and he acknowledged that it had been misplaced and asked me to refax it today.

Please find attached a copy of the CPA we filed with the USPTO on May 17, 2004. Also attached is the Express Mail Tracking Sheet which showed it was received on May 18, 2004 by the USPTO. The checks attached cleared the bank on May 21, 2004, however, we never received the return post card and it was never entered.

Thank you so much for your help in this matter.

Jane Graham
Legal Assistant

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Here is what happened earlier:

- ARRIVAL AT UNIT, May 18, 2004, 8:19 am, DULLES, VA 20102
- ACCEPTANCE, May 17, 2004, 6:45 pm, AUSTIN, TX 78799
- ENROUTE, May 17, 2004, 6:24 pm, AUSTIN, TX 78799

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Received in the U.S.P.T.O.

In re Application of: **STEPHEN B. ELLIOTT**

Application No. **09/436,008**

Filed: **11/09/1999**

Title: **M/S FOR PROVIDING...NETWORKS**

Attorney Docket No: **0267AD-RR2341**

ENCLOSED HERewith:

1. Continued Prosecution Application Request - in duplicate (4 pages);
2. Check No. 1114 in the amount of \$770.00;
3. Petition for 1 month BOT (1 page);
4. Check NO. 1113 in the amount of \$110.00;
- 5 Change of Address (1 page);
- 6 Return Receipt Postcard

Mailed: May 17, 2004

AJD/pl

ER770757480US

cc: client